



ATTORNEY DOCKET NO.: 16920/09001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|----------------------------------|---|----------------|
| In Re Application of |) | |
| J. WESNER PRICE |) | Art Unit: 3673 |
| |) | |
| Serial No.: 10/789,434 |) | |
| |) | Examiner: |
| |) | Unknown |
| Filed: February 27, 2004 |) | |
| |) | |
| Title: BODY IMPRESSION-RESISTANT |) | |
| MATTRESS ASSEMBLY |) | |

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. 1.56, 1.97, and 1.98, Applicant is submitting the art shown on the attached list for consideration by the Examiner.

I. Timing of the Submission (*check one*)

This Information Disclosure Statement is being submitted:

- ☐ Within three months of filing the application (Rule 97(b)(1)).
- ☐ Within three months of the international application entering the national stage (Rule 97(b)(2)).
- ☒ Before mailing of a first Office Action (Rule 97(b)(3)).
- ☐ Before mailing of a final action or notice of allowance, and accompanied by a fee (Rule 97(c)(2)).
- ☐ Before mailing of a final action or notice of allowance, and accompanied by a Rule 97(e) statement (Rule 97(c)(1)).

- ☐ After issuance of a Notice of Allowance but before payment of the issue fee, and accompanied by: (1) a Rule 97(e) statement, (2) a petition requesting consideration of the information disclosure statement, and (3) a fee (Rule 97(d)).

II. Rule 97(e) Statement *(check one if required by item checked above)*

- ☐ Each item contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.
- ☐ No item contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application nor was any such item known by any individual associated with the filing or prosecution of the patent application more than three months prior to the filing of the Information Disclosure Statement.

III. Copies of the References *(check one or both as applicable)*

- ☒ Copies of 16 *(insert "all" or number of enclosed references)* listed references are enclosed.
- ☐ Copies of _____ *(insert "all" or number of references not enclosed)* listed references are not enclosed because they are not required pursuant to Rule 98(d). The listed references were previously cited by or submitted to the Office in application serial number _____, filed _____, which is relied upon for an earlier filing date.

IV. Rule 98(a)(3) Statement for Non-English language references
(if required)

Pursuant to Rule 98(a)(3), the following is a concise explanation of the relevance of each patent, publication, or other information listed that is not in the English language:

Document DE3128894 shows a mattress having a rigid frame. It is submitted that the relevance of this document can be discerned from the English-language abstract and the drawings.

V. Mailing Certificate (check one)

☒ First Class Mail Certificate

I hereby certify that this correspondence and any referenced attachment and/or fee are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

Martha Boynton

(Typed/printed name of person mailing paper or fee)

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I hereby certify that this correspondence and any referenced attachment and/or fee are being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

(Typed/printed name of person mailing paper or fee)

(Signature of person mailing paper or fee)

Please charge any fees required for consideration of the
art cited herein to our deposit account no. 50-1196.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Craig N. Killen", written over a horizontal line.

Craig N. Killen

Reg. No. 35,218

NELSON MULLINS RILEY & SCARBOROUGH

P.O. Box 11070

Columbia, SC 29211-1070

Telephone: (803) 255-9382

Facsimile: (803) 255-9103



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| Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i> | | | | | | | | | | Docket Number Optional 16920/09001 | | Application Number 10/789,434 | |
| Applicant J. Wesner Price | | | | | | | | | | Filing Date February 27, 2004 | | Group Art Unit 3673 | |

| U.S. PATENT DOCUMENTS | | | | | | | | | | | | |
|-----------------------|-----------------|---|---|---|---|---|----|----------|----------------|-----------|------------------|---|
| EXAMINER INITIAL | DOCUMENT NUMBER | | | | | | | DATE | NAME | CLA SS | SUB CLA SS | FILING DATE IF APPROPR IATE |
| | 6 | 4 | 8 | 1 | 0 | 3 | 3 | 11/19/02 | Fogel | | | |
| | 2002 | 0 | 1 | 1 | 2 | 2 | 92 | 08/22/02 | O'Brien | | | |
| | 6 | 3 | 7 | 4 | 4 | 4 | 2 | 04/23/02 | Wells | | | |
| | 6 | 3 | 5 | 3 | 9 | 5 | 2 | 03/12/02 | Wells | | | |
| | 2001 | 0 | 0 | 0 | 8 | 0 | 30 | 07/19/01 | Gladney et al. | | | |
| | 6 | 0 | 9 | 8 | 2 | 2 | 4 | 08/08/00 | Gladney | | | |
| | 5 | 1 | 0 | 7 | 5 | 5 | 8 | 04/28/92 | Lück | | | |
| | 4 | 7 | 4 | 5 | 6 | 4 | 5 | 05/24/88 | McWilliams | | | |
| | 4 | 4 | 6 | 2 | 1 | 2 | 9 | 07/31/84 | Brannock | | | |
| | 4 | 4 | 4 | 9 | 2 | 6 | 1 | 05/22/84 | Magnusson | | | |
| | 3 | 7 | 5 | 1 | 7 | 4 | 2 | 08/14/73 | Worley | | | |
| | 3 | 3 | 7 | 0 | 3 | 0 | 6 | 02/27/68 | Lovette | | | |
| | 1 | 6 | 8 | 2 | 3 | 9 | 4 | 08/28/28 | Meutsch | | | |

| FOREIGN PATENT DOCUMENTS | | | | | | | | | | | | | |
|--------------------------|-----------------|----|---|---|---|---|---|----------|---------|-------|----------|-------------|---|
| | DOCUMENT NUMBER | | | | | | | DATE | COUNTRY | CLASS | SUBCLASS | Translation | |
| | YES | NO | | | | | | | | | | | |
| | 0 | 3 | 1 | 4 | 0 | 5 | 9 | 05/03/89 | EPO | | | | |
| | 3 | 1 | 2 | 8 | 8 | 9 | 4 | 02/10/83 | Germany | | | | X |
| | 0 | 0 | 3 | 2 | 8 | 0 | 5 | 07/29/81 | EPO | | | | |

| OTHER DOCUMENTS <small>(Including Author, Title, Date, Pertinent Pages, Etc.)</small> | | | | | | | | | | | | |
|---|--|--|--|--|--|--|--|--|--|--|--|--|
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| EXAMINER | DATE CONSIDERED |
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.